

**MINUTES
INDIANA STATE BOARD OF DENTAL EXAMINERS
MAY 1, 2009**

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Williams called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Galen Williams, D.D.S., President
Jill Burns, D.D.S., Vice President
Matthew Miller, D.D.S., Secretary
Richard T. Newton, D.D.S.
Gary Haller, D.D.S.
Philip Catey, D.D.S.
Steven Hollar, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Laverne Whitmore, L.D.H., B.S.
Theodore Rokita, D.D.S.
Charles Heape, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Case Manager, Professional Licensing Agency
Jim Schmidt, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

MILLER/LaTURNER
Motion carried 7-0-0

III. ADOPTION OF THE MINUTES FROM THE MARCH 6, 2009 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the March 6, 2009 meeting of the Board.

MILLER/BURNS
Motion carried 7-0-0

IV. APPEARANCES

A. PROBATIONARY

1. Tammy Bacon, L.D.H., License No. 13005564A

Administrative Cause No. 2008 ISDB 0005

Ms. Bacon appeared before the Board, as requested, regarding her ongoing probationary status. She advised things are going well. The Board had not

received her report from Alpha Resource. Ms. Bacon hand delivered the report. Ms. Bacon reported that she currently does not take any medications. The Board had no concerns.

2. Daniel J. Fink, D.D.S., License No. 12007602A
Administrative Cause No. 2006 DB 0006

Dr. Fink appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Fink reports he is at the same address and same employer and not on any medications. He stated that Dr. Edwards is having difficulty as he is still in rehab due to a head injury with subdural bleeding. He states that it started as a simple bump on the head and ended up being life threatening due to falling from a curb and hitting his head. Dr. Fink stated that on the date Dr. Edwards was to be in the office was when his accident occurred. The staff rescheduled most patients for the day but was unable to do so with some patients. Dr. Fink state he saw seven (7) patients without having an onsite monitor in the office. Dr. Jimerson continues to monitor Dr. Fink on Tuesdays, Wednesdays and Fridays. He said he understands that he is to not see patients unsupervised even though he did and that he understands he is to report instances, in which he said he does. He states he knew Dr. Edwards was in the hospital Sunday night but did not know the extent of his injuries until Monday morning. Dr. Fink states he saw a few hygiene patients yet the report says none were seen. He stated what patients he saw were for emergency care and some small procedures. Board was concerned he was able to cancel all hygiene patients except two but saw all of his patients. He admits he erred in not telling hygiene patients they couldn't be seen. The office did not contact Dr. Jimerson until she was on break instead of contacting her immediately. The Board indicated that Dr. Fink is in violation of his order and was concerned with numerous differences in Dr. Fink's statement and the report that was received by the Board.

Board Action: A motion was made and seconded to enter an Order to Show Cause.

HOLLER/MILLER
Motion carried 7-0-0

3. Christopher Leonard, D.D.S., License No. 12009363A
Administrative Cause No. 2005 DB 0002

Dr. Leonard appeared before the Board, as requested, regarding his ongoing probationary status. The Board cites that Dr. Leonard reports have been received. Dr. Leonard indicated he is still working in the office and that his wife has not been in the office at all. Dr. Leonard submitted a list of all the medications he is taking. Dr. Leonard feels things are going well despite the fact the business is in Chapter 11 bankruptcy currently. The Board indicated that the monitoring list the names of the patients. The Board advised that the names should be changed to initials or numbers for future reporting. The Board is pleased things are going well for Dr. Leonard.

B. APPLICATION

There were no application appearances before the Board.

C. RENEWAL

1. Paul Edward Schneider, D.D.S., License No. 12006529A

Dr. Schneider applied for the renewal of his dental license. His dental license has been expired since March 1, 1972. Dr. Schneider submitted his renewal, required documentation, fees, and continuing education hours to renew his license. He told the Board he let his license expire because he was on faculty at Louisiana State University for thirty (30) years and was licensed in Nevada previously. He then took a position at Temple University where they are requiring him to have a current license in the state in which he originally took the boards because he is starting his masters and needs a license to do clinical work outside of the university. He was previously responsible for post-doctoral pediatric care at three major hospitals and now wants to be involved with Philadelphia Citizens Children and Youth which has a clinic outside of the university grounds. The Pennsylvania Dental requires letter from the Indiana Dental Board stating he took the Indiana boards and a letter stating the state has reciprocity with Pennsylvania. Board indicated to Dr. Schneider that they will sign and send no such letter to Pennsylvania. Dr. Schneider has been advised that the State of Indiana no longer issues scores with state license verifications. Dr. Schneider submitted all of the required continuing education including a two (2) hour course on Indiana ethics and jurisprudence. He stated he has not renewed his Louisiana or Nevada licenses and neither license is currently active. Dr. Burns advised Dr. Schneider to contact Pennsylvania to see if he needs anything else from the State of Indiana. Dr. Hollar advised him to not come back but to contact Cindy if he or Pennsylvania needs anything else.

Board Action: A motion was made and seconded to reinstate Dr. Schneider's expired license.

HOLLAR/BURNS
Motion carried 7-0-0

2. Deborah Lee Jack, L.D.H., License No. 13001373A

Ms. Jack applied for the renewal of her dental hygiene license. Her license has been expired since March 1, 1996 due to health problems. Ms. Jack indicated she has had two (2) heart attacks, diabetes and gastric bypass surgery. She feels she is ready to be a hygienist once again. She is currently shadowing with a local dentist and working with hygienist friends for more current procedures. Dr. Holloway is her personal dentist and the one she worked with last. She has been working with an occupational therapist to strengthen her hands to get back into shape to perform dental hygiene for the last two months. Ms. Jack stresses she has been shadowing and not working with dentists and dental hygienists. She has been practicing on family and friends who are willing to volunteer. Dr. Burns advised her to take a refresher course at a local dental school. Ms. Jack may feel more comfortable with an actual hygiene instructor and they may be able to teach her quicker than her dentist or dental hygienist could. Ms. Jack stated she lived in Bermuda for a period of three years during the expiration of her license. Counsel advised the Board that they could require her to take a remediation course. Dr. Haller suggested that she may want to go to a dental school to have a customized remediation course just for her needs and then bring it back to the Board for approval before she attends the course to make sure it is acceptable to the board. Jay Dziwlik gave Ms. Jack contact information for Indiana University.

Board Action: A motion was made and seconded to table any action on the application for renewal until further information is received from Ms. Jack or Indiana University regarding refresher course. The refresher course must be approved by the Board prior to attending.

CATEY/BURNS
Motion Carried 7-0-0

3. Philip Gentry, D.D.S., License No. 12008301A

Dr. Gentry applied for renewal of his dental license. His dental license has been expired since March 1, 1994. He has been practicing in Michigan since 1992, retiring in 2001. Dr. Gentry has recently started the process to become Clinic Director at University of Southern Indiana. The current Director has offered him a job and he needs to have current Indiana dental license. Dr. Gentry spoke with ms. Vaught last June and the rules regarding what is required to be reinstated after more than three years changed on July 1, 2008. Dr. Gentry advised that he has the clinical crown and bridge portion of the NERBS examination scheduled for May. He had not been in contact with our office since last June and recently found out the laws had changed to where he did not need to reapply, just to renew. Dr. Gentry has sent in his renewal form, fee and has faxed all hours of continuing education requested of him. He has not taken an Indiana Ethics & Jurisprudence course and is scheduled to do so in the next week. He is also pursuing a CPR course. He indicated that he did not know until recently he could put his Indiana license in an inactive status. Dr. Gentry stated he practiced in a private practice in Indiana from 1983 until 1991 and in Michigan from 1992 until 2001.

Board Action: A motion was made and seconded to renew Dr. Gentry's Indiana license upon successful completion of NERB examination and completing an Indiana Ethics and Jurisprudence continuing education course.

BURNS/HALLER
Motion Carried 7-0-0

V. PERSONAL APPEARANCE

A. Dr. Lawrence Garetto

Re: Ethics Mentorship

Dr. Garetto passed out the current and final draft of the ethics course "White Paper on Ethics & Professionalism in Dental Education". This was finalized April 30, 2009 and this is the first board to look at the final draft. Dr. Williams is concerned with student's ethics and curious to see if it can be monitored through this by interview. Dr. Garetto indicated they have changed their process of interview to included actual cases that students can read and discuss with the interviewer. There are two papers coming out from the Pankey Institute and Marion College which describes the process and outcome of cases with positive outcomes. He says the Board will have guidelines to monitor students on their ethics. Dr. Williams thinks it is imperative for mentors to have a specific contact person on the Board to work with on this program. Dr. Garetto suggests local contact instead of using mentors from out of state. He indicated they will need help from the Board and state associations to get a pool of dentists to help with the summer seminar. Dr. Hollar suggested that former board members may want to participate in workshops. Dr. Garetto clarified this is a national conference being held in Indianapolis. Dr. Holler would like to be the contact person on the board to work with the mentors. The

conference is specifically aimed towards oral health practitioners. Ms. Vaught asked for a list of previous board members and members of other areas to distribute this information to. Clance LaTurner said she would like to participate as mentor contact as well.

VI. ADMINISTRATIVE HEARINGS

There were no administrative hearings before the Board.

VII. SETTLEMENT AGREEMENTS

- A. Michael E. Bajza, D.D.S., License No. 12009652A**
Administrative Cause No. 2005 ISDB 0011

The matter was tabled at this time.

VIII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

IX. OLD/NEW BUSINESS

There was no old/new business

X. DISCUSSION

A. Proposed Rules

The Board reviewed the proposed rules from the Rules Committee. The Committee members were: Dr. Burns, Dr. Newton and Ms. Whitmore. The proposed rules which address requirement for dental hygienist to administer local anesthetics, requirements for dental assistants to provide coronal polishing and caries prevention, and the definitions of Charitable dental care clinic, dental assistant, dental hygiene anesthetic permit, dental hygienists, direct supervision, local dental anesthetics, prescriptive supervision and public health setting

1. Additional Information

a. Updated Rule

1. It was pointed out to Dr. Burns that programs are accredited and not the institution and this has been corrected on the Dental but not the Dental Hygienists.
2. Changed techniques from maxillary to maxillary and mandibular anesthesia.
3. Dr. Holler opened for discussion the IDA draft version aspects of the rules. The board agreed to add the IDA's recommendation for the definition of coronal polishing.
4. Local anesthetics defined to include analgesics.
5. The Board is okay with adding practice settings but not including the word settings on page 90.
6. On page 84, furnished evidence in (b) the original transcript said including a grade, if taken in continuing education class they cannot receive grade. It was changed to say need certificate with date of course completed.
7. Under 3-2-2, changed to say lab (include didactic, clinical and NERB). For assistants it was changed from saying nine (9) hours of didactic and (2) hours of laboratory work to say five (5) and three (3) respectively. Didactic is available on line for the assistants but not for hygienists.

8. Board wants to keep clinical demonstration especially for the coronal polishing for the institution and to have it on a minimum of five (5) patients.

Board Action: After a thorough review of the proposed rules, a motion was made and seconded to approve the changes to the proposed rules and to publish for a public hearing.

MILLER/BURNS
Motion carried 7-0-0

B. American Student Dental Association

Re: "White Paper on Ethics & Professionalism in Dental Education"

1. Dr. Miller and Dr. Burns both showed concern over the cheating that takes place on exams. Discussion included known methods of cheating and ways to alleviate this situation.

C. Donald George, D.D.S.

Re: Orthodontic Residents

1. Dr. Burns stated that because he has a dental license and faculty position at Vanderbilt University that he would be able to have orthodontic residents rotate through his office.

Dr. Burns also stated that she has learned of a dental school in Arizona that student's in there third year complete there clinicals. And then during there fourth year they can go to certain facilities to practice.

D. Election of Officers

1. Dr. Burns nominated Dr. Miller for President and Dr. Williams seconded the nomination.

Nomination carried 7-0-0

2. Dr. Williams nominated Dr. Holler for Secretary and Ms. LaTurner seconded the nomination.

Nomination carried 7-0-0

3. Dr. Burns nominated Dr. Williams as Vice President and Dr. Holler seconded the nomination.

Nomination carried 7-0-0

XI. APPLICATION REVIEW

A. Examination

There were no examination applications to review.

B. Endorsement

1. **Ronald Charles Eckert, D.D.S.**

The Board reviewed Dr. Eckert's application file by endorsement. Dr. Eckert is a 1959 graduate from the University of Michigan and has passed National Boards Part I and II in 1956 and 1959. He has taken and passed a state constructed

examination administered by the Michigan Dental Board where he is currently licensed. Dr. Eckert answered positive to question #1 regarding disciplinary action in the state of Michigan and question #4B of a conviction. The Board requested Dr. Eckert to appear at the July 10, 2009 meeting for further discussion of his application for dental licensure.

C. Anesthesia and Sedation Permits

There were no anesthesia permits for review.

D. Dental Intern Permit

There were no dental intern permits for review.

E. Mobile Dental Facility

There were no mobile dental facility applications for review.

F. Instructors License

There were no instructors' license applications for review.

G. Professional Corporations

There were no professional corporation applications for review.

XII. RENEWALS

There were no renewals for review.

XIII. PROBATIONARY/CONDITIONAL LICENSE REPORT

A. James W. Cahillane, D.D.S.

Dr. Haller reviewed Dr. Cahillane's probationary file. His reports from the Indiana Dental Well Being Program for March 2009 was reviewed and accepted.

B. Penelope Dunlap, D.D.S.

Dr. Haller reviewed Dr. Dunlap's probationary file. Her reports from Joseph W. Hake, D.D.S., Monitor, for March 2009 was reviewed and accepted.

C. Marci L. Huth, L.D.H.

Dr. Haller reviewed Ms. Huth's probationary file. Ms. Huth was scheduled to appear today regarding her former employment with Dr. Scott Adams but was unable to do so due to a sick relative. Ms. Huth is not currently employed. Ms. Huth's address has not changed and she provided a list of medications she is currently taking.

D. Theresa Goodman, D.D.S.

Dr. Haller reviewed Dr. Goodman's probationary file. Her reports from Indiana Dental Wellness Program for March 2009 and reports from Charles H. Miller, D.D.S., Work Site Monitor, for February and March 2009 were reviewed and accepted.

E. Edward Mamaril, D.D.S.

Dr. Haller reviewed Dr. Mamaril's probationary file. His report of the prescription log for March and April 2009 were reviewed and accepted. Dr. Haller noted his prescription log had patient names spelled backwards when he was told to not

put names but to use initials or patient numbers. Dr. Mamaril is scheduled to appear at the July 10, 2009 meeting.

F. Trevor Treasure, D.D.S.

Dr. Haller reviewed Dr. Treasurer's probationary file. His reports from Indiana Dental Wellness Program for March 2009 was reviewed and accepted. The Board requested, that Dr. Treasure be advised that his report from Dr. Moe has not been received.

F. Bland Pope Walker

Dr. Haller reviewed Dr. Walker's probationary file. His reports from the Indiana Dental Well-Being Program for March 2009 was reviewed and accepted.

G. Shannon Arnett

Dr. Haller reviewed Dr. Arnett's probationary file. The Board questioned the following continuing education programs were the same program or 2 separate programs: Dynamic Dental, "Indiana Ethics, Statutes, and "Rules" and "Rules, Laws and Ethics" for two (2) hours of continuing education credit each. The courses have been verified and they are 2 different programs.

Board Action: A motion was made and seconded to accept both ethics courses.

Haller/Williams
Motion Carried 7-0-0

XIV. CONTINUING EDUCATION

A. Chele S. Heid

Chele Heid is a physical therapist requesting approval of a continuing education course regarding ergonomics of practicing, stress syndrome, and neck/back pain. Dr. Newton is questioning whether she is seeking one day for three hours or three days for nine hours. The Board requested verification regarding this issue.

B. Indiana Dental Prosthetics, Inc.

Applicant has not listed his continuing education hours rewarded. Dr. Newton will approve it for two hours if that is what is being requested.

Board Action: A motion was made and seconded to table this decision until more information is received.

NEWTON/MILLER
Motion Carried 7-0-0

XV. REPORTS

A. Ms. Vaught discussed the new license verification process. The Agency is no longer processing verification in house. They are now done online through the Agency's webpage. Scores from the examination will not be available for the online verification process.

B. Dr. Burns discussed the AADE meeting she attended on April 5-6, 2009.

C. Dr. Hollar inquired about Dr. Bryan Spilmon incarceration and when he will be released. He requested that an inquiry be made on Dr. Spilmon's release date.

- D. The Board will meet on August 7, 2009 and will not meet on September 4, 2009.
- E. Dr. Hollar had a question from an orthodontist requesting tasks that can be done by dental assistants with direct supervision. Specifically, can a dental assistant clip a wire from a patient while the dentist is out of the clinic. Also, can a dentist delegate to a dental assistant taking an impression for a retainer for the final dental prosthesis? The answer to these questions is not specific within the statute and rules.
- F. Dr. Catey asked for a definition of direct supervision. The board defined direct supervision as the dentist being in the facility.
- G. Ms. LaTurner discussed her meeting with the Oral Taskforce with the Department of Health. She asked about the ability to do a survey along with renewals. The Board agrees that a survey would be good, but questions who is getting the survey results.
- H. Ms. LaTurner is looking for people who have had problems with dental whitening in malls. She spoke to a kiosk worker in the Greenwood Park Mall regarding whitening. When asked what would happen with someone with a bridge, the clinician did not know what a bridge was. Ms. LaTurner is looking into this further.

XVI. ASSOCIATION REPORTS

- A. **Indiana Dental Association**
The IDA discussed a resolution to re-establish judicial council that would deal with ethics complaints for dentists. This would allow dentist to initiate complaints for peer review. For instance, three complaints from at least two different dentists against one dentist in a year would be reviewed by the peer review committee, instead of going through the Attorney General's office. They also discussed dental assistant schools and their accreditation.
- B. **Indiana Dental Hygiene Association**
There was no report before the board.
- C. **Indiana Dental Assistants Association**
There was no report before the board.

XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 2:30 p.m.

Galen Williams, D.D.S., President

Date